

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/587,574  
Applicants : Jürgen Behrens et al.  
Filed : June 5, 2000  
Title : Conductine Protein and a Related Agent for Diagnosing and  
Treating Tumor Illnesses  
Art Unit : 1642  
Examiner : Misook Yu  
Atty. Docket No. : 103701-402-NP

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION BY JÜRGEN BEHRENS AND WALTER BIRCHMEIER  
UNDER 37 CFR 1.132

Dear Sir:

We, Jürgen Behrens and Walter Birchmeier, hereby declare as follows:

1. We are 2 of the 9 co-authors of the paper entitled "Functional Interaction of an Axin Homolog, Conductin, with  $\beta$ -Catenin, APC, and GSK3 $\beta$ " which was published in Science, Vol. 280, April 24, 1998, pages 596-599, and was cited by the Examiner against the present application as prior art under 35 U.S.C. § 102(a).
2. We are the two co-inventors of the present application, which claims priority of International Application No. PCT/DE98/02621, filed on September 1, 1998.
3. Both of the publications referred to above contain the sequence of an isolated polypeptide named conductin.
4. Our work was directed to the provision of a protein which is able to destabilize  $\beta$ -catenin. Therefore, we proposed a direct interaction between  $\beta$ -catenin and the unknown protein target to be identified. We also supposed that the stability of  $\beta$ -catenin could be controlled by an assembly of a multiprotein complex, along with a possible tumor suppressive effect. This way we found the conductin protein which

directs  $\beta$ -catenin to depletion and is located downstream of APC in the wnt/wingless pathway.

5. The other 7 co-authors performed the experimental work following our instructions. They accounted for sequencing, the determination of protein binding partners and the functional characterization of conductin using standard techniques of sequence analysis, protein chemistry (e.g. coimmunoprecipitation) and molecular biology (e.g. PCR, transfection, microinjection). They are named as co-authors of the paper for being involved in these testing procedures under our direction and supervision, but they are not co-inventors of the subject matter claimed in the present application.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Jürgen Behrens Aug. 4, 2005  
Jürgen Behrens Date

By: Walter Birchmeier Aug. 2, 2005  
Walter Birchmeier Date